●   ●

<u>REMARKS</u>

Claims 1-8 are pending in the Application.

Claims 1-8 stand rejected.

I.   <u>REJECTION UNDER 35 U.S.C. § 102</u>

Claims 1-8 have been rejected under 35 U.S.C. § 102 as being anticipated by *Srinivasan, et al.*, U.S. Patent Application No. 2001/0051948A1 (*"Srinivasan"*). The Applicants respectfully traverse the rejection of claims 1-8 under 35 U.S.C. § 102.

Claim 1 is directed to a method for storing data that has at least some entries with multiple value attributes. The method includes the steps of profiling the data to determine whether the data should be stored in an attribute table, or, alternatively, in a merged table and an overflow table, and storing the data optimally based on the profiling step. The Examiner contends that *Srinivasan* discloses the method for storing data that has at least some entries with multiple attribute values including profiling the data to determine whether the data should be stored in an attribute table on the grounds that the attribute table of FIGURE 4 allegedly shows that the types, that is "EID", "ATTRNAME", "ATTRVAL" and "ATTRKIND" are sorted categories. (Paper No. 6, page 3.) The Examiner further asserts that this inherently indicates that the data must have been profiled before the table could be created. (Paper No. 6, page 3; Paper No. 9, page 5.) (In the instant action, Paper No. 9, the Examiner omits the assertion with respect to the attribute types but, nevertheless, repeats the conclusion that the table of FIGURE 4 inherently shows that the data must have been profiles. Paper No. 9, page 5.) The Applicants respectfully disagree with the foregoing allegations for several reasons.

The table of FIGURE 4 is an attribute store table for entries in an exemplary directory information tree (DIT). (*Srinivasan*, page 3, ¶ 38.) Entries in the directory information tree are represented by one or more rows in the table. (*Id.*) The Examiner does not specifically state what "sorted categories" refers to. *Srinivasan* refers to

additional system categories for object attributes that are stored in entries in the "ATTRKIND" column of the attribute store table (such as access and modification privileges). (*Srinivasan*, page 3, ¶ 40.) However, there is nothing therein that refers to sorting. The only reference to sorting the Applicants find in *Srinivasan* is with respect to catalog tables. (*Srinivasan*, page 5, ¶ 56.) *Srinivasan* teaches that catalog tables may be maintained in a sorted list of entries. *Id.*

The Examiner relies on FIGURE 5 of *Srinivasan* as disclosing a merged table and an overflow table. However, FIGURE 5 is an attribute store table similar to FIGURE 4, but including additional entries (that is, rows) that describe metadata associated with a particular entry (**100**) of the exemplary DIT. (*Srinivasan*, page 4, ¶44.) Nothing in *Srinivasan* has been shown to teach that the attribute store table of FIGURE 4 is merged table and the attribute store table of FIGURE 5 is an overflow table, or *vice versa*. Also, nothing identified in *Srinivasan* discloses that data is alternatively stored in an attribute table of FIGURE 4 or an attribute table of FIGURE 5, and, nothing identified in *Srinivasan* discloses that the data is profiled to determine whether it should be stored in an attribute table without subschema entries to define metadata (FIGURE 4) or including subschema entries to define metadata (FIGURE 5). (Metadata refers to information that describes the data in the system, such as information describing the structure and parameters of the tables and data maintained in the system. *Srinivasan*, page 3, ¶ 42.) The teaching referred to in Paper No. 6 discusses the content of the ATTRVAL for subschema entries (indicated by the value "2" in the EID column). (*Srinivasan*, page 4, ¶¶ 45, 46.) The teaching relied upon further discloses that the ATTRVAL column of a subschema entry can also identify the quantity of values to be provided for the defined attribute type. (*Srinivasan*, page 4, ¶47.)

The Examiner responds that the plurality of attribute names in the table of FIGURE 4 clearly shows the step of profiling, that is, categorizing the data to determine whether the data is stored in certain tables. (Paper No. 9, page 2) (referring to the Applicants' Second Reply Under 37 C.F.R. § 1.111, hereinafter "Applicants' Second Reply," page 3, ¶ 1). This allegation fails for several reasons. As an initial matter, there is no evidence that *Srinivasan* "categorizes" data to determine whether to store it in certain tables. The table of FIGURE 4 simply includes a column for storing a system

3

category for object attributes, such as kinds relating to access and modification privileges. (*Srinivasan*, page 3, ¶ 40.) Furthermore, the claim does not recite categorizing data to determine whether data is stored in certain tables. At least, "certain tables" are not an attribute table, a merged table and an overflow table. It is not a reasonable construction of limitations in a claim to omit terms from the claim language. *See* MPEP § 2143.03 (stating that all words in a claim must be considered when judging the patentability of the claim). Furthermore, claim 1 recites profiling the data to determine whether to store the data in an attribute table or, alternatively, in merged table and overflow table. Again, the allegation does not consider the claimed invention as recited.

The Examiner also responds that the features shown in FIGURES 4 and 5 of *Srinivasan* are defined in the Specification, namely that merged tables include single value attributes and overflow tables are sets of multiple value attributes. (Paper No. 9, page 3) (referring to the Applicants' argument with respect to FIGURE 5 in Applicants' Second Reply). However, simply because the tables of FIGURE 4 include both single valued and multiple valued attributes does not make either or both of them a merged table and a overflow table. As the Applicants previously showed, there is nothing in Moreover, as the Applicants previously showed, there is nothing in *Srinivasan* that teaches that FIGURE 4 is a merged table or FIGURE 5 is an overflow table as recited in claim 1 or *vice versa*. Also, nothing identified in *Srinivasan* discloses that data is alternatively stored in an attribute table of FIGURE 4 or an attribute table of FIGURE 5, and, nothing identified in *Srinivasan* discloses that the data is profiled to determine whether it should be stored in an attribute table without subschema entries to define metadata (FIGURE 4) or including subschema entries to define metadata (FIGURE 5). Additionally, the discussion in the Specification that an attribute may be stored both in a merged table and an overflow table does not make the tables of FIGURE 4 or 5 either a merged table or an overflow table as recited in claim 1 simply because both of them include both single-valued attributes and multiple-valued attributes. The foregoing notwithstanding, the attribute store tables of FIGURES 4 and 5 include a "AttrName" column identifying the object attribute being described. (*Srinivasan*, page 3, ¶ 39.) The Examiner identifies this as a single-valued attribute in the tables of FIGURES 4 and 5. (Paper No. 9, page 3.)

However, there is no teaching in *Srinivasan* that discloses that the name of an attribute is an attribute.

The assertion that the teaching in *Srinivasan* inherently shows that the data must have been profiled before the table could be created also fails. The claim does not recite profiling data to create a table. Anticipation requires that a single reference teach the identical invention as claimed MPEP § 2131. The alleged inherent characteristic in *Srinivasan* on its face does not disclose the limitation of claim 1 with respect to profiling the data to determine whether the data should be stored in attribute table or, alternatively, in a merged table and an overflow table. Moreover, the Examiner does not provide any rationale explaining how the attribute table of FIGURE 4 inherently shows that the data must have been profiled to determine whether the data should be stored in attribute table or, alternatively, in a merged table and an overflow table. The Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teaching of the reference. MPEP § 2112.

With respect to the Applicants' showings with respect to inherency, the Examiner responds that the Examiner did not realize it was necessary "to provide the clear correlation in which one of ordinary skill in the art one should realize the table of FIGURE 4 could have been created without the step of profiling the data or categorizing the data prior to creating the table for the storing step." (Paper No. 9, page 2) (referring to the Applicants' Second Reply, page 3, ¶ 2.). It is indisputable that it is the Examiner's burden to establish that an allegedly inherent characteristic is necessarily present in the thing taught, and would be so recognized by persons of ordinary skill in the art. MPEP § 2112. That notwithstanding, the Examiner's own contention that a person of ordinary skill in the art should realize that the table of FIGURE 4 could be created without the step of profiling the data or categorizing the data prior to creating the table for the storing step refutes any contention that the profiling step is inherent. This plainly shows that the allegedly inherent characteristic in not necessarily present in thing taught.

The Examiner further explains that if the data were profiled, there would be no need to identify the different attributes of the data for storing, much less creating the table

to store them under different attribute names. (Paper No. 9, page 2.) Again, this refutes the Examiner's own reliance on inherency. (The Applicants do not necessarily agree or disagree with the consequence of the data profiling advanced by the Examiner. The claim recites a profiling step, and anticipation requires that the reference teach this step whether the Examiner agrees with its pertinence, or otherwise.)

The Examiner further contends that the merged and overflow tables are known tables prior to profiling the data and concludes that here was no need to explain the inherency with respect to the unclaimed feature of the data be profiled before the table be created. (Paper No. 9, pages 2-3.) Again these assertions are unavailing. Whether the merged and overflow tables are known before the data is profiled is not germane to the analysis because it is not an element of the claimed invention. The reference to the profiling of data before the table being created in the Applicants' Second Reply referred to the Examiner's assertions made with respect to the limitations of claim 1, not the claim itself. (Applicants' Second Reply, page 3.) Indeed the, Applicants plainly stated that the Examiner's allegations did not address the limitations of claim 1. (Applicants' Second Reply, page 3, and hereinabove).

In other words, the Examiner the Office Action mailed on May 22, 2003, Paper No. 6, rejected claim 1 on the ground that the teaching in *Srinivasan* "inherently indicated that the data must have been profiled before the table [of FIGURE 4] could be created." (Paper No. 6, page 3) (emphasis added). The Applicants, in responding, traversed, in part on the basis that this ground of rejection was not related to a determination whether the data should be stored in a merged table or an overflow table. (Applicants' Second Reply, page 3.) The Examiner now responds that the Applicants arguments specifically addressing the Examiner's explicit language were arguing unclaimed limitations. (Paper No. 9, pages 2-3.) Thus, the Examiner's response is tantamount to an admission that the ground of rejection of claim 1 in Paper No. 6 does not read on the limitations of claim 1. Consequently, the rejection of claim 1 under 35 U.S.C. § 102 is improper on its face.

Additionally, the teachings of *Srinivasan* do not discuss storing data optimally based on a profiling step. With respect to the optimal storing, the Examiner also refers to the teaching in *Srinivasan* that discusses storing data in a normalized format that is

optimized for querying and searching. (Paper No. 6, page 3) (citing *Srinivasan*, page 7, ¶ 77). By the plain terms thereof, this disclosure refers to searching and querying optimization, not optimal storage of data.

With respect to the step of storing optimally based in the profiling step, the Examiner responds that optimally searching and querying directly impact the step of optimally storing of data. (Paper No. 9, page 3.) The Examiner provides no rationale how a optimally searching and querying impact optimally storing. (Paper No. 9, page 3.) Rather, the Examiner states that optimally storing of data must be understood by the ways of how to store the data to make the step of storing optimally. (Paper No. 9, page 3.) The Applicants understand this assertion to be a tautology, with which the Applicants do not disagree. However, it does not explain how a storing optimally is searching or querying optimally. Storing is not querying or searching and that is not changed by the adverb "optimally." Thus the Examiner's assertion that optimal searching and querying are part of the steps involved in the step of optimal storage of data is unsupported by evidence or the plain meaning of the terms querying and storing. Moreover, even if, for the sake of argument, optimal searching and querying were part of the steps involved in the step of optimal storage of data, they do not teach a step of storing (optimally or otherwise). "Being part of" is not the standard for anticipation; all of the limitations must be disclosed by the reference. MPEP §2131. The conclusion that the storing step of claim 1 is not beyond the scope of *Srinivasan* is conclusory and without any evidentiary support.

Anticipation requires that a single prior art reference teach the identical invention as recited in the claim. MPEP § 2131. In other words, all of the limitations of the claim, arranged as required by the claim must be taught by the reference. *Id.* Because *Srinivasan* has not been shown to teach the identical invention of claim 1, the Applicants respectfully contend that claim 1 is allowable under 35 U.S.C. § 102 over *Srinivasan*.

Claim 2 depends from claim 1 and recites the method thereof in which the entries with single value attributes are stored in the merged table. The Examiner relies on the tables in FIGURES 2C and 5 which the Applicants understand to be alleged to teach the merged table as recited in claim 2. (*See* Paper 6, page 3; Paper No. 9, page 5.) Assuming, for the sake of argument, that either or both of the tables in FIGURES 2C and 5 of

Srinivasan teach a merged table, there is nothing identified with respect thereto that discloses that the entries are single value attributes. Indeed, on the contrary, paragraph 47 of *Srinivasan* teaches that the attributes may have multiple values, and the Examiner has relied on pages 4-6, of *Srinivasan* as disclosing multiple value attributes. (*See* Paper No. 6, page 3; Paper No 9, page 5) (rejecting claim 1 over *Srinivasan* on the ground that *Srinivasan* discloses a method for storing data that has at least some entries with multiple value attributes). In particular, *Srinivasan* teaches that a subschema entry could identify whether an attribute type comprises either single value, or multiple values of that attribute. (Note that whether the attribute is single-valued or multi-valued is defined by the schema, not whether a particular attribute is assigned multiple values or only a single value. (*Srinivasan*, page 4, ¶ 47.) For example, the country ('c') attribute defined by the LDAPv3 user schema to be single valued. *See* RFC 2256 p.3 (1997).) Thus, the Applicants respectfully contend that *Srinivasan* has not been shown to teach the identical invention of claim 2, and therefore, claim 2 is allowable under 35 U.S.C. § 102 over *Srinivasan*.

The Examiner responds that claim 2 "defines single-valued attribute data to be stored in [a] merged table." (Paper No. 9, page 4.) The Applicants respectfully submit that this mischaracterizes claims in a patent. Claims are not definitions but determine the metes and bounds of the right to exclude. [CITE to nvidia] Likewise, the contention that claims 2 and 3 are distinct subcombinations and usable together with claim 1 further mischaracterizes patent claims. Claims 1, 2 and 3 are distinct inventions. It is not relevant whether claims 2 and 3 are usable with claim 1. Claims 2 and 3 separately include the limitations of claim 1 from which they each separately depend. The foregoing notwithstanding, claim 2 is a method including a storing step in which single-valued attributes are stored in a merged table. Simply identifying an attribute in the table of FIGURE 4 or FIGURE 5 of *Srinivasan* as single-valued or multi-valued does not make either of these a merged table or an overflow table as recited in the claim. Furthermore, a method claim is drawn to a process, that is it is "dynamic" and to anticipate the reference must teach the operations as recited in the claim. Looking at a static table of FIGURE 4 or FIGURE 5 and first inferring that they teach the merged table of claim 2 because they

allegedly include a single-valued attribute and then inferring that the reference then inherently teaches storing single-valued attributes in a merged table is illogical.

Claim 3 depends from claim 1 and is directed to the method thereof in which entries with multiple-value attributes are stored in the overflow table. The Examiner refers to the telephone number and manager catalog tables of FIGURES 6C and 6D, respectively. (Paper No. 6, page 4.) These catalog tables are maintained as indexes into the attribute store tables. (*Srinivasan*, page 5, ¶ 54.) For each attribute type that is indexed, a separate catalog table is maintained. (*Id.*) Each catalog table contains two columns, the first contains the EID of an entry or object having an attribute of the catalog attribute type, and the second provides the attribute value for the corresponding EID. (*Id.*) The Applicants note that each of the tables illustrated includes a single attribute value. The Examiner notes that *Srinivasan* states that a subschema entry could identify whether an attribute type comprises either a single value or multiple value attributes, however, nothing is disclosed in *Srinivasan* that the catalog tables illustrated are multiple-value attributes. Consequently, there is no justification for concluding that the catalog tables as taught by *Srinivasan* disclose overflow tables as recited in claim 3. (These tables are exemplary and a catalog table as taught by *Srinivasan* for the country attribute would be directed to a single value attribute in accordance with the LDAP schema.) Additionally, assuming, for the sake of argument, that the tables in FIGURES 5, 6C and 6D disclose overflow tables as recited in claim 3, then, at least with respect to the table in FIGURE 5, it cannot be a merged table as asserted with respect to claim 2. In other words, the table cannot be both a merged table and an overflow table. Thus, the Applicants respectfully assert that *Srinivasan* has not been shown to teach the identical invention of claim 3, and therefore claim 3 is allowable under 35 U.S.C. § 102 over *Srinivasan*.

Similarly to claim 2, the Examiner responds that claim 3 "defines multiple-valued attribute data to be stored in [an] overflow table." (Paper No. 9, page 4.) The Applicants respectfully submit that this mischaracterizes claims in a patent. Claims are not definitions explaining the invention but determine the metes and bounds of the right to exclude. *See S3 Inc. v. nVIDIA Corp.*, 259 F.3d 1364, 1369, 59 U.S.P.Q.2d 1745, 1748 (Fed. Cir. 2001). Likewise, the contention that claims 2 and 3 are distinct subcombinations and

usable together with claim 1 further mischaracterizes patent claims. Claims 1, 2 and 3 are distinct inventions. It is not relevant whether claims 2 and 3 are usable with claim 1. Claims 2 and 3 separately include the limitations of claim 1 from which they each separately depend. The foregoing notwithstanding, claim 2 is a method including a storing step in which single-valued attributes are stored in a merged table. Simply identifying an attribute in the table of FIGURE 4 or FIGURE 5 of *Srinivasan* as single-valued or multi-valued does not make either of these a merged table or an overflow table as recited in the claim. Furthermore, a method claim is drawn to a process, that is it is "dynamic" and to anticipate the reference must teach the operations as recited in the claim. Looking at a static table of FIGURE 4 or FIGURE 5 and first inferring that they teach the merged table of claim 3 because they allegedly include a single-valued attribute and then inferring that the reference then inherently teaches storing single-valued attributes in a merged table is illogical.

Claim 4 is directed to the method of claim 1 in which the overflow table is an attribute table. The Examiner again refers to FIGURES 5, 6C and 6D as showing per attribute tables. As an initial matter, the Applicants respectfully disagree that FIGURE 5 of *Srinivasan* shows a per attribute table. Referring to FIGURE 5, FIGURE 5 shows table entries corresponding to at least eight attributes. With respect to the catalog tables of FIGURES 6C and 6D, which are exemplary, *Srinivasan* makes no distinction between single-valued attributes and multi-valued attributes with respect to the entries in the catalog tables. Indeed, as the Examiner has noted, attributes may be either single-valued attributes or multi-valued attributes. However, there is nothing in the discussion of the catalog tables that indicates that the attributes corresponding to their respective tables are particularly one or the other, that is single-valued or multi-valued. Additionally, *Srinivasan* teaches that an attribute type can be modified by editing the appropriate subschema entry in the attribute table including, modifying a single-valued attribute type to be a multi-valued attribute type. (*Srinivasan*, page 8, ¶ 93.) Therefore, the Applicants respectfully contend that *Srinivasan* does not show an overflow table, as recited in claim 1, from which claim 4 depends which is an attribute table. Additionally, claim 4 incorporates the limitations of claim 1, and as previously discussed, *Srinivasan* has not been shown to teach the identical invention of claim 1, and therefore necessarily does not

teach the identical invention of claim 4. For at least these reasons, the Applicants respectfully assert that claim 4 is not anticipated by *Srinivasan* and is thus allowable under 35 U.S.C. § 102 over *Srinivasan*.

Claim 5 is directed to the method of claim 1 in which a majority of the data is stored in a merged table and a set of additional values for the multiple-value attributes are stored in the overflow table. The Examiner asserts that FIGURES 2C and 5 exemplify a merge table in which a majority of single values are stored. (Paper No. 6, page 4.) The Applicants respectfully disagree. There is nothing that distinguishes the attributes in FIGURES 2C and 5 as either single-valued attributes or multi-valued attributes. In this respect, as the Applicants previously noted, in accordance with the LDAP schema, whether an attribute is single-valued or multi-valued is a "property" of the attribute. That is, whether a particular attribute admits, or may be assigned, multiple values or only single values, respectively is set by the schema. A single-valued attribute is not an attribute that in a particular embodiment has only a single value associated therewith and a multi-value attribute is not an attribute that in a particular embodiment has more than one value assigned to it. Thus, although the tables in FIGURES 2C and 5 illustrate only single values assigned to each of the exemplary attributes therein, it cannot be concluded that these are single-valued attributes. *Srinivasan* does not, for the purposes of the table entries in the tables of FIGURES 2C and 5, distinguish between single-valued attributes and multi-valued attributes. The Examiner further asserts that the tables in FIGURES 6C and 6D are tables with multiple attributes for an instant entry of table 5. (Paper No. 6, page 4.) Again, the Applicants respectfully disagree. Referring to FIGURES 6C and 6D of *Srinivasan*, these figures incontrovertibly show a single attribute value for each entry. (*Srinivasan*, FIGURES 6C and 6D.) Note that each entry corresponds to a node in the DIT, which node is identified by the value in the EID entry in the respective tables. Thus, the Applicants also respectfully disagree with the Examiner's assertion that these tables illustrate more than one manager and/or telephone per person. Again, although the attribute types corresponding to each of the catalog tables may be either single-valued attributes or multi-valued attributes, *Srinivasan* does not distinguish between these for the purposes of the catalog tables of which FIGURES 6C and 6D are exemplary, nor has the Examiner identified teaching in *Srinivasan* to the contrary.

The Examiner responds that the table of FIGURE 5 includes both single-valued attributes and multi-valued attributes. (Paper No. 9, page 4) (referring to the Applicants' Second Reply, page 6, ¶ 2). It is not necessary to determine whether the attributes illustrated in the table of FIGURE 5 include both types of attributes. While the table of FIGURE 5 may, for the sake of argument include both single-valued attributes and multi-valued attributes, the Examiner has not shown that *Srinivasan* teaches that a majority of the data is stored in a merged table and a set of additional values for the multiple-value attributes are stored in the overflow table.

For at least the foregoing reasons, the Applicants respectfully contend that *Srinivasan* does not teach the identical invention of claim 5. Consequently, claim 5 is allowable under 35 U.S.C. § 102 over *Srinivasan*.

Claim 6 is directed to the method of claim 1 in which the profiling step parses the data to identify entries with single-value attributes. The Examiner relies on the teaching in *Srinivasan* with respect to the ATTRVAL column of a subschema entry which can be used to identify the quantity of values to be provided for the defined attribute type, for example, a parameter that specifies a minimum or maximum number of telephone number values allowed for that attribute. (Paper No. 6, page 4) (citing *Srinivasan*, page 4, ¶ 47). This teaching does not refer to a step of parsing data. As *Srinivasan* teaches, subschema entries are rows that define metadata inserted in the attribute store table. (*Srinivasan*, pages 3-4, ¶ 43.) Metadata is information that describes data in the system and particular, that describes the structure and parameters of database and data maintained in the system. (*Srinivasan*, page 3, ¶ 42.) The Examiner also relies on the inherency discussed hereinabove in conjunction with claim 1. (Paper No. 6, page 4.) The Applicants have addressed the reliance on inherency hereinabove. For the reasons discussed in conjunction with claim 1, and the foregoing reasons with respect to the teachings in *Srinivasan*, paragraph 47, the Applicants respectfully contend that *Srinivasan* has not been shown to teach the identical invention of claim 6. Consequently, claim 6 is allowable under 35 U.S.C. § 102 over *Srinivasan*.

Claim 7 is directed to the method of claim 1 in which the profiling step parses the data to identify given operations that are performed on the data once stored. Because, for

the reasons discussed hereinabove in conjunction with claim 1, *Srinivasan* has not been shown to teach the profiling step as recited in claim 1, *Srinivasan* necessarily fails to teach the invention of claim 7. Therefore, claim 7 is allowable under 35 U.S.C. § 102 over *Srinivasan*.

Claim 8 depends from claim 1 and is directed to the method thereof in which the data is stored in a relational database backing store. Again, claim 8 incorporates all the limitations of claim 1 from which it depends, and which as discussed hereinabove is allowable under 35 U.S.C. § 102 over *Srinivasan*. Consequently, claim 8 is also allowable under 35 U.S.C. § 102 over *Srinivasan*.

III. RESPONSE TO ARGUMENTS

The Examiner has considered the Applicants arguments in the Applicants' Second Reply but these have been deemed unpursuasive. (Paper No. 9, page 2.) The Examiner has responded to the Applicants' arguments with respect to claims 1, 2, 3 and 5. (*See* Paper No. 9, pages 2-4.) The Applicants have addressed the Examiner's response in conjunction with response to the rejection of these claims hereinabove. The Applicants respectfully note that the Examiner has not responded to the Applicants' showings with respect to claims 4, 6, 7 and 8 in the Applicants' Second Reply. The Examiner is respectfully reminded that where, as here the Examiner repeats a ground of rejection in response to the Applicants' traverse, the Examiner should address the substance of the Applicants' remarks. MPEP § 707.07(f).
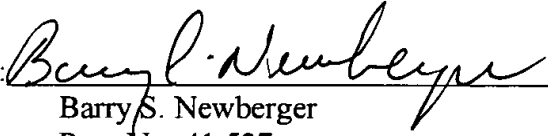
IV. CONCLUSION

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Appellant

By: Barry S. Newberger
Reg. No. 41,527

P.O. Box 50784
400 North Ervay Street
Dallas, Texas 75201
(512) 370-2808

AUSTIN_1\239999\1
7047-P398US 01/13/2004